

**REMARKS**

Applicants submit the following Preliminary Amendment with a Request for Continued Examination. For at least the reasons stated below, Applicant submits the pending claims are in condition for allowance.

**Claim Amendments**

Claims 1, 16 and 32 have been amended to include the clarifying language that the framework that is sent to another location has the migration script incorporated therein. This does not add any new matter. Accordingly, Applicants request entrance and examination.

**Rejection under 35 U.S.C. §102(e)**

Claims 1 - 10, 16 - 25, and 32 - 40 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,107,589 ("Tal"). The Applicants respectfully traverse and submit the rejection is improper as Tal fails to identically disclose every claimed limitation of claims 1-10, 16-25 and 32-40.

As understood, Tal discloses a method and apparatus to perform an application software migration. Tal notes one example of a software application, specifically the executable code, relating to a database, Tal does not disclose database synchronization. It is submitted that database migration is wholly inconsistent with software migration, and hence Tal discloses technology unrelated to the present application.

Tal does not disclose synchronizing or sending the framework to a location of one or more copies of the database for executing to update the one or more

copies of the database because Tal is silent regarding updating a database and does not disclose the presence of copies or versions of any particular database. Applicants herein amend claims 1, 16 and 32 to further emphasize the distinction that the claimed framework includes the migration script because Tal does not describe the claimed framework having the migration script therein. The Examiner cites to col. 5, lines 46-55 of Tal, but this passage merely describes migration sub-steps of Upgrade Step 233 and Generic Step 237. Tal does not describe these steps as being part of a migration script and furthermore the migration script being incorporated into a framework that is sent to a location of one or more other copies of the database.

Applicants further note that Tal does not disclose determining changes made to a first copy of the database because the Data Upgrade Step and the Generic Step cited by the Examiner describe migration steps to migrate application elements from a database to an end-user platform. Tal does not describe updating, changing or modifying a database.

Applicants also note that Tal does not disclose changes made to a first copy of a database because the log directory and log events flags disclosed in Tal describe characteristics or components of the end-user platform, where the application is to be migrated to. The log directory and log events flag as disclosed in Tal is not related or suggested as being related to tracking changes to any database or even tracking changes in general.

Therefore, Applicants submit that claims 1, 16 and 32 recite patentable subject matter as claims 1, 16 and 32 are not anticipated by the disclosure of Tal.

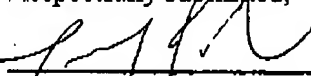
Claims 2-9, 17-25, and 33-40 depend from claims 1, 16, and 32, respectively, and recite further patentable subject matter in view thereof. For at least the same reasons noted above regarding claims 1, 16 and 32, Applicant submits claims 2-9, 17-25 and 33-40 are additionally patentable.

For at least all of the above reasons, Applicants respectfully request that the Examiner withdraw all rejections and objections, and allowance of all the pending claims is respectfully solicited. To expedite prosecution of this application to allowance, the examiner is invited to call the Applicants' undersigned representative to discuss any issues relating to this application.

Dated: October 31, 2007

THIS CORRESPONDENCE IS BEING  
SUBMITTED BY FACSIMILE TO THE  
PATENT AND TRADEMARK OFFICE ON  
October 31, 2007.

Respectfully submitted,



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